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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,934	12/18/2001	Kazuro Okuzawa	MAT-8173US	5845

7590 09/03/2003

Lawrence E Ashery  
Ratner & Prestia  
Suite 301 One Westlakes Berwyn  
PO Box 980  
Valley Forge, PA 19482-0980

EXAMINER

DABNEY, PHYLESHA LARVINIA,

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/913,934

Applicant(s)

OKUZAWA ET AL

Examiner

Phylesha L Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This action is in response to the amendment filed on 12 June 2003 in which claims 1,3-4 are pending.

#### ***Double Patenting***

Applicant is advised that should claim 3 be found allowable, claim 4 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). If the adhesive is heat cured (claim 3), then claim 4 covers the same thing.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 3-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to teach or suggest that the adhesive is self-curing.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sone (U.S. Patent No. 5,432,758, in view of Loctite (World Design Handbook, second edition, copyright 1998, sections 2.2, 11.1, 11.2, 11.6 and article: Light Curing-Bonds that Last, website last update Sept 23, 2001).

Regarding claim 1, Sone teaches an electro-acoustic transducer comprising a case molded (2, one-piece) integrally with a frame (40, 42, 44) at the bottom; a magnet (26, col. 5 lines 37-39) bonded to the frame; and a diaphragm (30). Sone does not specifically teach the bonding material adhered to the conductive frame (40, 42, 44) used in attaching electrical components, i.e. magnet, etc. Loctite teaches using heat and UV curing adhesive to bond electrical components to conductive frames, such as printed circuit boards for quickly setting the components in position on the board (UV curing) prior to applying a secondary curing system, such as heat, for curing areas of the adhesive where the UV missed (Loctite Handbook, sections 2.2.2, 2.2.6; article: "Light Curing-Bonds that Last", page 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a heat and UV curing adhesive for quick setting and insuring completely cured surface.

Regarding claims 3-4, see the rejection of claim 1 and the 112 1<sup>st</sup> rejection above. In addition, Sone teaches an electro-acoustic transducer comprising a case molded (2, one-piece)

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integrally with a frame (40, 42, 44) at the bottom; a magnet (26, col. 5 lines 37-39) bonded to the frame; and a diaphragm (30). Sone does not specifically teach the bonding material adhered to the conductive frame (40, 42, 44) used in attaching electrical components, i.e. magnet, etc.

Loctite teaches using self-curing adhesives, such as anaerobic adhesives (Table: Loctite Product List, section 2.2.1) or heat curing adhesives (Table: Loctite Product list, section 2.2.6) in electrical applications for securing electrical components. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a self-curing adhesive or a heat curing adhesive in the invention of Sone, as taught by Lucite, for securing electrical components.

### ***Response to Arguments***

On pages 5-6 of the amendment filed 6/12/03, see the new rejection above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L Dabney whose telephone number is 703-306-5415. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

(703) 306-0377, for customer service questions.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

PLD



August 14, 2003

  
CURTIS KUNTZ

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600